

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

**TESTIMONY OF
DUANE SHERMAN, SR., CHAIRMAN
HOOPA VALLEY TRIBE
BEFORE THE HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON FISHERIES
CONSERVATION, WILDLIFE AND OCEANS
HEARING ON H.R. 2875
MAY 4, 2000**

Chairman Saxton and members of the Subcommittee, on behalf of the Hoopa Valley Tribe, thank you for inviting me to participate in today's hearing on H.R.2875, a bill to amend the Klamath River Basin Fishery Resources Restoration Act (PL 99 - 552) to provide for Karuk Tribe representation on the Klamath Fishery Management Council (KFMC), to clarify allocation of the annual tribal catch, and for other purposes.

The Hoopa Valley has been home to the Hupa people since time immemorial. The valley and land in the surrounding mountains of the Coast Range comprising approximately 90,000 acres were made a reservation for the Hoopa Valley Tribe in the latter part of the 19th Century. The Hoopa Valley Reservation (HVR) is the largest in the State of California and is located in Humboldt County near the borders of northern California and southern Oregon.

The Trinity River rises in the Trinity Alps region of California's coast range and flows through the Hoopa Valley to its confluence with the Klamath River and then to the Pacific Ocean. The World Wildlife Fund calls the Klamath-Trinity River watershed one of the 200 most important ecoregions in the world.

The Hoopa Valley Tribe has rights that have been affirmed by the Congress, ⁽¹⁾PFMC has been affected by the status of Klamath/Trinity Basin fish stocks. In recent years, because of the low abundance of Klamath/Trinity fall chinook salmon, PFMC has had to reduce fishing opportunities for fisheries under its authority. Accordingly, the focus upon allocation of the fishery resource would lessen if Klamath fish stocks were restored. Hence, key to solving this complex problem is the restoration of Klamath/Trinity fish populations. Specifically, there are several areas where your Sub-committee could work with the Interior Appropriations Sub-committee to assist in the restoration of this fishery including:

1. Provide an additional \$ 4.5 M for 5 years to complete an in stream flow study for main stem Klamath River (above confluence of Trinity River). There is an emerging concern over the operation of the upper Klamath Basin irrigation project and its affects upon salmonid fish populations. The Department of Interior has provided funds to begin the initial phases of an in stream flow study. However, there needs to be a commitment to necessary funds to complete the study; and,

2. Provide an additional \$ 7.5 M in funds to the Klamath River Restoration Program. The Klamath River Basin Fisheries Task Force has recently completed a report that identifies funding required to begin to address complex natural resource problems.

Fourth, the Hoopa Valley Tribe is deeply concerned about the timing of this legislation given the remaining time in this session of Congress. We request the Subcommittee take all necessary steps to support the restoration of the Trinity River fishery that the Indian and non-Indian communities of the North Coast depend on. In the last half century, Congress has established trust responsibilities and fishery protection and restoration mandates including the 1955 Trinity River Division Authorization Act, the 1980 Trinity River Stream Rectification Act, the 1984 Trinity River Fish and Wildlife Restoration Act, the 1992 Central Valley Project Improvement Act, and the Endangered Species Act. Unless Congress sees to those mandates, there will be no use in declaring a federal reserved fishing right for the Karuk Tribe in a dwindling and endangered fishery.

Fifth, within the next few months, the Department of the Interior will conclude 20 years of study of a plan to restore the Trinity River--an effort supported by Congress and four Presidents. The Hoopa Valley Tribe is the co-author of the plan with the Fish and Wildlife Service. The plan has been hailed for its important advances in river sciences and is supported by a substantial majority of California's people. This restoration plan can save the Trinity River while providing a fair share of its water for irrigation, municipal use and power generation in the Central Valley. In order for the plan to work, Congress has to provide adequate funding. We respectfully request that this Subcommittee work with the leadership of the Energy and Water Appropriations Subcommittee to request that adequate funding be provided for the Trinity restoration effort. A copy of our letter to Chairman Packard and Ranking Member Visclosky on this matter is attached hereto for your convenient reference.

Sixth, we would ask the sponsor of H.R. 2875, Mr. Herger, to work with other members of Congress to admonish those who would delay or disable the Secretary of the Interior from making his decision on the Trinity River restoration plan to stand down in that fight and help with the restoration so desperately needed. After all, as mentioned above, what does H.R.2875 really accomplish by securing the Karuk Tribe a share of the tribal fishery that is getting smaller all the time?

In summary Mr. Chairman, the issues raised by the Karuk Tribe's relationship to Klamath River fishery are complex. We believe that they should be addressed carefully and in detail before Congress takes any further action in this matter. In the meantime, the Hoopa Valley Tribe will continue to work for the restoration and maintenance of the Klamath/Trinity River fishery.

Thank you for your attention to our concerns. I would be happy to answer any questions the Subcommittee may have.

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